

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 3, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-17751 - APPLICANT/OWNER: HELP LAS VEGAS
HOUSING CORPORATION II**

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (ZON-4608), Variance (VAR-17749) and Site Development Plan Review (SDR-17748), if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This a request for a Variance to allow two 45-foot tall apartment buildings, 59 feet from residential property where residential adjacency standards require 135 feet.

Because the mobile home park which necessitates this variance is vacant and unlikely to be used again as a mobile home park, staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
Month/date/year	Action
08/18/04	The City Council approved a General Plan Amendment GPA-4607 from PF (Public Facilities) to H (High Density Residential) and a rezoning (ZON-4608) from C-V (Civic) to R-5 (Apartment) for this site. The Planning Commission and staff recommended approval.
01/05/05	The City Council approved a Site Development Plan Review (SDR-5481) for a 75-unit apartment development to the east of this site. A related Variance (VAR-5483) to allow 50 parking spaces where 112 parking spaces are required was also approved. The Planning Commission and staff had both recommended approval of these requests.
12/07/06	The Planning Commission recommended approval of companion items VAR-17749 and SDR-17748 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #25/ar).
<i>Related Building Permits/Business Licenses</i>	
10/24/05	Building permits for the 75-unit apartment development to the east were issued (L-7208).
<i>Pre-Application Meeting</i>	
10/16/06	At the pre-application meeting, staff explained the Residential Adjacency Standards and the parking requirements.
<i>Neighborhood Meeting</i>	
	A neighborhood meeting is not required for this application

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	4.84

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	High Density Residential	Under resolution of intent to R-5
North	Undeveloped	High Density Residential	Under resolution of intent to R-5
South	Undeveloped	Public Facility	C-V
East	Apartment development under construction	High Density Residential	Under resolution of intent to R-5
West	Vacant mobile home park	Medium Density Residential	R-MHP

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		
Downtown North	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		
A-O Airport Overlay District	X		Y

DEVELOPMENT STANDARDS

Per Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	7,000 Square Feet	4.84 Acres	Y
Min. Lot Width	N/A	433 Feet	Y
Min. Setbacks			
• Front	10 Feet	275 Feet	Y
• Side	5	65 Feet	Y
• Rear	20 Feet	59 Feet	Y
Min. Distance Between Buildings	N/A	20 Feet	Y
Max. Lot Coverage	N/A	43.5%	Y
Max. Building Height	55 Feet	45 Feet	Y

Per Title 19.08.060, the following applies:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	135 Feet	59 Feet	N
Adjacent development matching setback	5 Feet	59 Feet	Y
Trash Enclosure	50 Feet	51 Feet	Y

<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Proposed</i>	<i>Density</i>	<i>General Plan</i>	<i>Permitted Density</i>
R-5	unlimited	125	*41.32 dwelling units per acre	High Density Residential	Greater than 25.49 dwelling units per acre

*Calculation includes apartments under construction in east portion of the site.

Per Title 19.10 and 19.12, the following standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree /6 Space	19 Trees	9 Trees	N
Buffer: Min. Trees	1 Tree/ 20 Linear Feet	56 Trees	48 Trees	N
Min. Zone Width	6 Feet		6 Feet	Y
Wall Height	6 Feet		6 Feet	Y

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
One bedroom units	73	1.25 spaces per unit	92				
Two bedroom units	52	1.75 spaces per unit	92				
Guest spaces		1 space/ 6 units	21				
TOTAL (including handicap)			205	9	109	9	N
Percent Deviation					47 %		

Waivers		
Request	Requirement	Staff Recommendation
Reduce parking lot landscaping to nine trees	19 Trees	Approval, additional landscaping is proposed in areas adjacent to buildings
Reduce buffer tree quantity to 48 trees	56 Trees	Approval, additional landscaping is proposed in areas adjacent to buildings

ANALYSIS

This site is currently undeveloped. The applicant proposes to construct two apartment buildings behind a 75-unit apartment development that is currently under construction. Adequate access to the site will be provided by two driveways to Main Street. The width of the landscape buffer areas (minimum six feet) complies with city standards. The applicant is seeking waivers to provide nine parking lot trees and 48 buffer trees where city standards also require a total of 19 parking lot trees and 56 buffer trees. Because additional trees are proposed in landscape areas adjacent to the apartment buildings, staff recommends approval of these waivers. The elevations depict four story buildings with stucco exteriors and concrete tile roofs. With a height of 45 feet, these buildings are required to maintain a Residential Adjacency Standard setback of 135 feet from the west property line, which is adjacent to an R-MHP (Residential Mobile Home Park) zone. The applicant has requested a variance to allow one of these buildings to be 59 feet from the west property line. Because the mobile home park is vacant and unlikely to be used again as a mobile home park, staff recommends approval of this variance.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

With a height of 45 feet, the proposed buildings are required to maintain a Residential Adjacency Standard setback of 135 feet from the west property line, which is adjacent to an R-MHP (Residential Mobile Home Park) zone. The applicant has requested a variance to allow one of these buildings to be 59 feet from the west property line. Because the mobile home park is vacant and unlikely to be used again as a mobile home park, staff recommends approval of this variance.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 47 by City Clerk

APPROVALS 0

PROTESTS 0